

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 2:18-cr-190-FtM-38MRM

KENNETH TIPPINS

ORDER¹

This matter comes before the Court on review of file. On January 27, 2020, the Court sentenced Defendant Kenneth Tippins to 129.5 months imprisonment to run concurrent to an undischarged sentence in a related state case. ([Doc. 537](#)). That sentence reflected a U.S.S.G. § 5G1.3 adjustment. But before the Court entered a judgment, it learned that Tippins finished the prison sentence in the related state case *before* this Court sentenced him. Because the state sentence was a discharged term of imprisonment, U.S.S.G. § 5K2.23 was the proper Guidelines departure—not § 5G1.3. Consequently, on February 10, 2020, the Court resentenced Tippins to 117 months imprisonment ([Doc. 580](#)) and entered the Judgment the next day ([Doc. 588](#)).

To ensure all internal procedures are satisfied, the Bureau of Prisons receives the correct sentence imposed, and in the best interest of Tippins, the Court will vacate the Judgment entered on February 11, 2020 ([Doc. 588](#)), enter another judgment to reflect the original sentence of 129.5 months, and enter an amended judgment to reflect the new sentence of 117 months.

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Accordingly, it is

ORDERED:

1. The Clerk is **DIRECTED** to **VACATE** the Judgment dated February 11, 2020 ([Doc. 588](#)) from the file.
2. The Clerk is **DIRECTED** to enter a judgment to reflect the original sentence of 129.5 months' imprisonment imposed on January 27, 2020.
3. The Clerk is **DIRECTED** to enter an amended judgment to reflect the sentence of 117 months' imprisonment imposed on February 10, 2020.

DONE AND ORDERED in Fort Myers, Florida on this 2nd day of March 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies:
Counsel of Record